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ABSTRACT

A questionnaire to find out to what degree graduate schools of social work and their designated leaders support the legal regulation of social work practice was mailed to all directors/deans of accredited schools of social work offering a master's degree program in the United States. The return rate was 81%. Findings show that relatively few graduate schools of social work have an official policy supporting legal regulation. However, the majority of their designated leaders support many aspects of licensure. Respondents indicated a commitment to: the eight provisions designated by the National Association of Social Work as essential for adequate regulation; social work educators being centrally involved in the designing of an objective assessment of the qualifications, knowledge, and competencies of applicants for licensure; social work educators serving on licensing boards; and graduate schools of social work providing continuing education opportunities for practitioners. Regulation, if it is to be, appears too important to be left solely to legislators or others who may not be well prepared in the knowledge, practice, and values of social work. (RM)

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Schools of Social Work and the Legal Regulation of Social Work

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ABSTRACT

Although the legal regulation of practice has been an important issue in the field of social work for at least twenty years, little has been reported regarding the roles or anticipated roles of graduate schools of social work in the regulation process. This study explores the question of how supportive graduate schools of social work and their designated leaders are of legal regulation. The findings show that relatively few graduate schools of social work have an official policy supporting legal regulation. However, the majority of their designated leaders support many aspects of licensure.

Social Work Educators And The Legal Regulation Of Social Work

Much has been written and spoken regarding the legal regulation of social work practice. For at least twenty years it has been an important issue in the development of social work as a profession. However, an extensive review of studies and landmark decisions in this area reveals little has been reported regarding the roles or even anticipated roles of graduate schools of social work whose faculties can be crucial in the professional training of social workers. To expand exploration of this subject, results of landmark National Association of Social Workers' resolutions and a study of the procedure and process used by states achieving regulation were utilized to design and conduct a study of the policies or lack of policies of graduate schools of social work toward legal regulation and how their designated leaders view the issue.

BACKGROUND OF STUDY

NASW Resolutions

In 1964, the National Association of Social Workers resolved to pursue the legal regulation of social work practice throughout the United States. At that time only two states had regulation requirements.

By 1976, twenty states had legal regulation, and NASW reaffirmed in Standards for the Regulation of Social Work Practice its conviction that the practice of social work should be regulated by public law to: (1) assure consumers of social work services that persons licensed under the

law have the knowledge and ability to provide the needed service, and (2) that such licensed persons can be held to reasonable standards of effectiveness in performance, including ethical behavior.[1] Furthermore, eight provisions as essential elements for the adequate regulation of social work practice were articulated.[2] These were:

1. Regulation must be directed to the licensure of practice, rather than to the protection of title only;
2. Regulation must recognize that all levels of practice are based on discipline and knowledge of the profession;
3. Regulation must establish criteria for autonomous or independent practice and for private practice or fee-for-service practice;
4. Legislation for the licensure of social work must require that each level of practice, including that of independent practice have a valid means of objectively assessing the qualifications, knowledge, and competencies of applicants for licensure, in addition to requirements for specific educational attainment;
5. Regulation must cover all areas or settings in which social work is practiced, including public and voluntary, profit and nonprofit;
6. Regulatory legislation must require periodic renewal of the license and a requirement for some form of continuing education for those licensed.
7. Legislation regulating social work must provide that client-worker communication will be considered confidential, subject to the permission of the client.

8. Regulation must include authority to hold practitioners accountable for their professional and ethical conduct.

The goal of these provisions was to provide a framework for ensuring standards in three key bases of social work: knowledge, values, and practice.

Study of Legal Regulation Processes

Although twenty-three states now regulate social work practice, the majority still do not.[3] In an effort to better understand not only why a limited number of states have achieved public regulation but also why there is much inconsistency among those states which have developed some form of regulation, John T. Gandy and Frank B. Raymond recently conducted a study to identify and describe strategies used by state chapters of NASW in seeking regulation. Their findings showed:[4]

> The state chapters were aware of national policy regarding licensure; they were in possession of the model statute; and they had a licensing committee. The model used by the state chapters is the N.A.S.W. statute but evidently the chapters did not support all elements of the model. The chapters supported various combinations of elements of licensure, and most often the elements of examination, multi-level examination, continuing education and revocation....The membership was polled regarding legal regulation, and little opposition towards licensing was found. Only two-thirds of the state chapters sought assistance from other professional groups including psychology, medicine, nursing, education, law and

social work. State chapters were almost evenly divided regarding employment of professional lobbyists.

Role of Social Work Educators

Significantly the Gandy and Raymond study, as others, made no mention of the role or potential role of graduate schools of social work in the processes of regulation, even though the faculties at these schools can be instrumental in facilitating social workers acquiring the knowledge, supervised experiences, and values that are considered essential for competent practice. And both faculty and students probably are or could be professional and political factors in the regulation process. Thus, important groups of participants or potential participants in the legal regulation of social work seem to have been almost overlooked in research literature. In order to establish some baseline data regarding the extent to which graduate schools and their designated leaders are or are not supportive of legal regulation, the following research was conducted.

METHODOLOGY

The data collection instrument was a self-administered questionnaire which was developed by the researcher and mailed to all directors/deans of accredited schools of social work offering a Master Degree Program in the United States. Seventy-three collection instruments out of a possible 90 were returned. Thus, there was an 81% return rate.

The questionnaire requested that respondents supply information concerning: whether or not the school had an official position regarding the licensing of social workers; if there were an official position, did

it support licensing; faculty activities in support of licensing; respondents' ratings of the importance of the eight provisions which NASW has defined as necessary for the adequate regulation of practice; if the respondents thought the school should provide university-based courses or other types of relevant training in support of a continuing education requirement for license renewal; whether or not, in the respondent's opinion, faculty members of graduate schools of social work should be centrally involved in designing an objective assessment of the qualifications, knowledge and competencies of applicants for licensure; and whether or not respondents thought faculty members should serve on social worker licensing boards.

Numbered data sets were utilized to protect confidentiality.

To gain a description of the data collected, a computer frequency run was performed for all items except for one question that provided the opportunity for additional comments by the respondent. Then the chi-square tests of this data were conducted to determine if the distribution of responses from directors/deans in states where legal regulation had occurred differed significantly from the distribution of responses gathered from directors/deans in states without legal regulation. These tests were used to test null hypotheses that there were no statistically significant differences of the distribution of responses between the two groups.

Content analysis was used in studying the additional comments of respondents.

RESULTS AND DISCUSSION

Table 1 presents the responses to policy questions.

TABLE 1

Responses to Policy Questions by Designated Leaders

Policy Questions (NR = No Response)	All respondents (N=73)			Responses from directors/deans in licensing states (N=40)			Responses from directors/deans in non-licensing states (N=33)		
	Yes %	No %	NR %	Yes %	No %	NR %	Yes %	No %	NR %
Does your school have an official position regarding the licensing of social workers?	15.1	78.1	6.8	6.9	43.9	4.1	8.2	34.2	2.7
If there is an official position, does it support licensing?	19.2		80.8	9.6		45.2	9.6		35.6
Are you personally in favor of the licensing of social workers?	83.6	4.1	12.3	43.9	2.7	8.2	39.7	1.4	4.1
If your state (has/had) a continuing education requirement for the renewal of a social worker license, do you think your school should attempt to provide university-based courses or other types of relevant training to help practitioners meet this requirement?	68.5	5.5	26.0	41.1	0.0	13.7	27.4	5.5	12.3
Do you think faculty members of graduate schools of social work should be centrally involved in the designing of an objective assessment of the qualifications, knowledge, and competencies of applicants for social work licensure?	87.8	5.5	6.8	50.7	1.4	2.7	37.0	4.1	4.1
If there were a Social Worker Licensing Board in your state, do you think social work educators should serve on it?	94.5	2.7	2.7	50.7	2.7	1.4	43.8	0.0	1.3

As Table 1 indicates, the majority of the designated leaders, directors/deans, of graduate schools of social work in licensing and non-licensing states responded that they personally favor licensing of social workers. However, only 15.1% of the respondents' schools have an official position regarding licensing. And of that percent, less than a fifth indicated that the official position supported licensing. This raises questions. Do the designated leaders' views represent consensus opinion on this issue? Has the issue been sufficiently considered by faculties for them to articulate a position? How important is it that the professional schools of social work make known their views on this issue? From the findings presented in Table 2, 74% of the respondents indicated that faculties at their schools are either currently involved or planning to become involved in activities supporting licensing. Additionally, in licensing states, 97.1% indicated that members of the faculty had participated in professional committees, lobbying, and other activities in support of licensing prior to enactment. Of non-licensing states, 74.1% indicated that members of the faculty had participated in professional committees, lobbying, and other activities in support of licensing within the past three years. Thus, at least in their actions, some members of the faculty are regarding licensing as an important aspect of their professional lives.

TABLE 2

Responses to Activities Proposed by Designated Leaders

Activities Questions (NR = No Response)	All respondents (N=73)			Responses from directors/deans in licensing states (N=40)			Responses from directors/deans in non-licensing states (N=33)		
	Yes %	No %	NR %	Yes %	No %	NR %	Yes %	No %	NR %
To your knowledge have any member(s) of the faculty at your school participated in the following activities in support of licensing of social workers in your state within the past three years (or prior to licensing enactment for licensing states?)									
Professional Committees	82.2		17.8	43.8		11.0	38.4		6.8
Lobbying	63.0		37.0	38.3		16.5	24.7		20.5
Other*	26.0		74.0	15.0		39.8	11.0		34.2
To your knowledge, are any faculty members at your school currently involved or planning to become involved in activities supporting licensing?	74.0	16.4	9.6	42.5	5.4	6.9	31.5	11.0	2.7

*Specified others included: contributing funds, participating in research, giving testimony at hearings, public speaking, letter writing, and signing petitions.

If a state has or were to have a continuing education requirement for the renewal of a social work license, 68.5% of the responding directors and deans thought their schools should attempt to provide university-based courses or other types of relevant training to assist practitioners in meeting the requirement. This is not surprising in that graduate schools of social work traditionally have a major responsibility in improving training and practice. However, it does indicate a willingness to serve as a continuing resource for professionals. On the other hand, the reasons 5.5% responded negatively, and 26% gave no response remain unknown.

Objective assessment of the qualifications, knowledge, and competencies of applicants for social work licensure is a complex and demanding goal. Nevertheless, it appears to be a key factor in the integrity and viability of the regulation process. Eighty-seven percent of the respondents in this study thought faculty members of graduate schools of social work should be centrally involved in the designing of an objective assessment of the qualifications, knowledge, and competencies of applicants. Although social work educators and other experts in the field may not have extensive training in designing tests and measurements, certainly they can serve as significant content and subject resources.

Ninety-four percent of the respondents thought that if there were a Social Worker Licensing Board in their states, social work educators should serve on them. This seems to be a large majority commitment not

only to being involved in setting standards but also to the work of utilizing them.

Ratings of the provisions that the National Association of Social Workers has defined as necessary for adequate regulation of social work are reported in Table 3.

TABLE 3

Designated Leaders' Ratings of Provisions NASW has defined as necessary for adequate regulation

Provisions	Percent of responses ranging from 1 (very important) to 5 (very unimportant) of all respondents* (N=73) (NR = No Response)					
	1	2	3	4	5	NR
1. Regulation must be directed to the licensure of practice, rather than to the protection of title only.	71.2	12.3	9.6	1.4	0.0	5.5
2. Regulation must recognize all levels of practice are based on discipline and knowledge of the profession.	60.3	23.3	6.8	2.7	1.4	5.5
3. Regulation must require that each level of practice including that of independent practice have a valid means of objectively assessing the qualifications, knowledge, and competencies of applicants for licensure in addition to requirements for specific educational attainment.	72.6	17.8	5.5	0.0	1.4	2.7
4. Regulation must establish criteria for autonomous or independent practice and for private practice or fee-for-service practice.	47.9	24.7	11.0	9.6	0.0	6.8
5. Regulation must require periodic renewal of the license and a requirement for some form of continuing education for those licensed.	54.8	26.0	15.1	1.4	0.0	2.7
6. Regulation must provide that client-worker communication will be considered confidential, subject to the permission of the client.	75.33	15.1	5.5	1.4	0.0	2.7
7. Regulation must cover all areas or settings in which social work is practiced, including public and voluntary, profit and nonprofit.	52.1	30.1	8.2	5.5	0.0	4.1
8. Regulation must include authority to hold practitioners accountable for their professional and ethical conduct.	83.6	13.7	0.0	0.0	0.0	2.7

*1 = very important
2 = important
3 = somewhat important
4 = unimportant
5 = very unimportant

TABLE 3 (continued)

Designated Leaders' Ratings of Provisions NASW has defined as necessary for adequate regulation

Provisions	Percent of responses ranging from 1 (very important) to 5 (very unimportant) of directors/deans in licensing states* (N=40) (NR = No Response)					
	1	2	3	4	5	NR
1. Regulation must be directed to the licensure of practice, rather than to the protection of title only.	39.7	4.1	8.2	0.0	0.0	2.7
2. Regulation must recognize all levels of practice are based on discipline and knowledge of the profession.	31.5	13.7	5.4	0.0	1.4	2.7
3. Regulation must require that each level of practice including that of independent practice have a valid means of objectively assessing the qualifications, knowledge, and competencies of applicants for licensure in addition to requirements for specific educational attainment.	38.4	8.2	5.5	0.0	1.4	1.4
4. Regulation must establish criteria for autonomous or independent practice and for private practice or fee-for-service practice.	27.4	12.4	8.2	2.8	0.0	4.1
5. Regulation must require periodic renewal of the license and a requirement for some form of continuing education for those licensed.	31.5	13.7	8.3	0.0	0.0	1.4
6. Regulation must provide that client-worker communication will be considered confidential, subject to the permission of the client.	38.3	11.0	4.1	0.0	0.0	1.3
7. Regulation must cover all areas or settings in which social work is practiced, including public and voluntary, profit and nonprofit.	26.1	17.8	5.5	4.1	0.0	1.4
8. Regulation must include authority to hold practitioners accountable for their professional and ethical conduct.	43.8	9.6	0.0	0.0	0.0	1.4

*1 = very important
2 = important
3 = somewhat important
4 = unimportant
5 = very unimportant

TABLE 3 (continued)

Designated Leaders' Ratings of Provisions NASW has defined as necessary for adequate regulation

Provisions	Percent of responses ranging from 1 (very important) to 5 (very unimportant) of directors/deans in non-licensing states[a] (N=33) (NR = No Response)					
	1	2	3	4	5	NR
1. Regulation must be directed to the licensure of practice, rather than to the protection of title only.	31.5	8.2	1.4	1.4	0.0	2.8
2. Regulation must recognize all levels of practice are based on discipline and knowledge of the profession.	28.8	9.6	1.4	2.7	0.0	2.8
3. Regulation must require that each level of practice including that of independent practice have a valid means of objectively assessing the qualifications, knowledge, and competencies of applicants for licensure in addition to requirements for specific educational attainment.	34.2	9.6	0.0	0.0	0.0	1.3
4. Regulation must establish criteria for autonomous or independent practice and for private practice or fee-for-service practice.	20.5	12.3	2.8	6.8	0.0	2.7
5. Regulation must require periodic renewal of the license and a requirement for some form of continuing education for those licensed.	23.3	12.3	6.8	1.4	0.0	1.3
6. Regulation must provide that client-worker communication will be considered confidential, subject to the permission of the client.	37.0	4.1	1.4	1.4	0.0	1.4
7. Regulation must cover all areas or settings in which social work is practiced, including public and voluntary, profit and nonprofit.	26.0	12.3	2.7	1.4	0.0	2.7
8. Regulation must include authority to hold practitioners accountable for their professional and ethical conduct.	39.8	4.1	0.0	0.0	0.0	1.3

[a] 1 = very important
2 = important
3 = somewhat important
4 = unimportant
5 = very unimportant

These eight provisions are supported by a large majority of respondents. The means of the provision ratings are: Provision 1($\bar{X}$=1.3), Provision 2($\bar{X}$=1.4), Provision 3($\bar{X}$=1.3), Provision 4($\bar{X}$=1.6), Provision 5($\bar{X}$=1.5), Provision 6 ($\bar{X}$=1.2), Provision 7($\bar{X}$=1.5), and Provision 8($\bar{X}$=1.1). Hence, the range of mean ratings of all respondents in both licensing and non-licensing states is between "very important" and "important."

Rank ordering of the ratings in Table 4 show that more than 90% of the respondents think the provisions dealing with professional and ethical conduct; confidentiality of client-worker communication; and the objective assessment of qualifications, knowledge, and competencies of applicants for licensure are "very important" or "important." More than 80% of the respondents think that provisions regarding recognition that all levels of practice must be based on discipline and knowledge of the profession; regulation directed to the licensure of practice, rather than to the protection of title only; regulation of all areas or settings in which social work is practiced; and periodic renewal of the license with a requirement for continuing education are "very important" or "important." And more than 70% think that the establishment of criteria for autonomous or independent practice and for private practice or fee-for-service practice is "very important" or "important." These findings seem in agreement with those of Gandy and Raymond which showed state chapters of NASW most often supporting the elements of examination, multi-level examination, and continuing education.

TABLE 4

Rank Order of Response Ratings of Provisions NASW has defined as necessary for adequate regulation

	Percent ranked "Very Important" or "Important"
Provision 8: Regulation must include authority to hold practitioners accountable for their professional and ethical conduct.	97.3%
Provision 3: Regulation must require that each level of practice, have a valid means of objectively assessing the qualifications, knowledge, and competencies of applicants for licensure, in addition to requirements for specific educational attainment.	90.4%
Provision 6: Regulation must provide that client - worker communication will be considered confidential subject to the permission of the client.	90.4%
Provision 2: Regulation must recognize all levels of practice are based on disicipline and knowledge of the profession.	83.6%
Provision 1: Regulation must be directed to the licensure of practice, rather than to the protection of title only.	83.5%
Provision 7: Regulation must cover all areas or settings in which social work is practiced, including public and voluntary, profit and nonprofit.	82.2%
Provision 5: Regulation must require periodic renewal of the license and a requirement for some form of continuing education for those licensed.	80.8%
Provision 4: Regulation must establish criteria for autonomous or independent practice and for private practice or fee-for-service practice.	72.6%

In the chi-square tests, the null hypotheses were supported in that none of the chi-square results were significant. However, in the case of all tests other than those dealing with the questions of faculty's prior activities in support of licensing and if a school had an official position supporting licensing, more than 20% of the cells had an expected frequency smaller than five. Therefore, all chi-square tests may not have been valid.

The open-ended additional comments section of the questionnaire produced varied observations. Respondents addressed such concerns as whether or not licensing has or will tend to exclude minorities from practice; in some states practice may be poorly defined, regulation could interfere with the quantity and quality of service which consumers/clients desire and receive; and licensing could become a self-serving process for the profession, not merely a means of protecting consumers/clients. Positive comments stressed the need to protect consumer rights and to enhance and enforce standards. Thus, content analysis of the additional comments given by respondents appeared to emphasize some of the problems, opportunities, and complexities of legal regulation.

CONCLUSION

In summary, these findings show that although relatively few graduate schools of social work represented in this study have taken an official position supporting legal regulation, the majority of their designated leaders do support many aspects of licensure. Respondents indicated a commitment to: the eight provisions designed by the National Association of Social Work as essential for adequate

regulation; social work educators being centrally involved in the designing of objective assessment of the qualifications, knowledge, and competencies of applicants for licensure; social work educators serving on Licensing Boards; and graduate schools of social work providing continuing education opportunities for practitioners.

Regulation, if it is to be, appears too important to be left solely to legislators or others who may not be well prepared in the knowledge, practice, and values of social work.

NOTES

1. National Association of Social Workers, Standards for the Regulation of Social Work Practice. Policy Statement 5. Washington, D.C.: National Association of Social Workers, 1976, p. 5.
2. Ibid, pp. 5-8.
3. National Association of Social Workers, "State Comparison of Laws Regulating Social Work." Washington, D.C. National Associaition of Social Workers, 1980, p. 1.
4. John T. Gandy and Frank B. Raymond, "A Study of Strategies Used in the Pursuit of Legal Regulation of Social Work," Unpublished paper, University of South Carolina, ca. 1980, p. 9.